

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/516,171

Attorney Docket No.: QS8064

REMARKS

Claims 12 - 22 are herein added. Claims 1 - 11 were previously pending. Accordingly, claims 1 - 22 are presently pending.

I. Claim Objections

Claims 1 - 11 stand objected to for an informality in claim 1. Applicant believes the amendment made herein to claim 1 overcomes the informality.

II. Specification

The disclosure has been objected to because of the informality of a page number being absent on the bottom of the first page of the Specification. Amendment is herein made to add a numeral -- 1 -- at the center bottom of the first page of the specification.

III. Claim Rejections - 35 U.S.C. § 103

A. Claims 1, 2, 7, 8, 10, and 11

Claims 1, 2, 7, 8, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant-admitted prior art in view of U.S.P. No. 5,090,028 ("Crebouw"). For the following reasons, this rejection is respectfully traversed.

Independent claim 1 recites (among other things) cross correlating a received training sequence with a selected subset of an expected training sequence. At least these features are absolutely absent from the prior art relied upon in the grounds of rejection.

The grounds of rejection compare the correlation method of Crebouw to the above-noted features of independent claim 1. Entirely lacking in Crebouw, however, is any type of training sequence.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/516,171

Attorney Docket No.: Q58064

Indeed, in Crebouw, there is not so much as an intimation of a training sequence, let alone the training sequence as disclosed in the instant application. Accordingly, there cannot be a correlation of a training sequence to a selected subset of an expected training sequence. Hence, it is asserted that independent claim 1 recites features that are absolutely absent in the prior art relied upon in the grounds of rejection. In light of this, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Moreover, there is no motivation to combine Crebouw with the instant application to arrive at the instant invention. See M.P.E.P. § 2143.01. That is, it is not obvious to selectively pick and choose elements or concepts from the various references so as to arrive at the claimed invention by using the claims as a guide. *Ex Parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Interf. 1985).

Therefore, at least for the previous reasons, it is asserted that claim 1 is patentable. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

B. Claims 3 and 4

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Applicant-admitted prior art in view of Crebouw, and further in view of U.S.P. No. 5,838,672 ("Ranta"). For the following reasons, this rejection is respectfully traversed.

Claims 3 and 4 are at least patentable because "[i]f an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." See M.P.E.P. § 2143.03 (citing to *In re Fine*, 837 F.2d 1071 (Fed Cir. 1988)). Hence, because independent claim 1 is nonobvious, claims 3 and 4 are also nonobvious.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/516,171

Attorney Docket No.: Q58064

Additionally, Crebouw is deficient as noted above in Part III (A) of this paper. Ranta fails to cure these deficiencies. Accordingly, it is asserted that claims 3 and 4 recite (at least by virtue of their dependency upon claim 1) features that are altogether absent in the prior art relied upon in the grounds of rejection. Additionally, it is asserted that (analogously to to Part III (A) of this paper), that the combination of the Applicant-admitted prior art with Crebouw is improper because there is no motivation or suggestion to combine. *See* M.P.E.P. § 2143.01. In light of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

C. Claim 5

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant-admitted prior art in view of Crebouw, and further in view of U.S.P. No. 5,479,444 ("Malkamaki et al."). For the following reasons, this rejection is respectfully traversed.

Claims 5 is at least patentable because "[i]f an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." *See* M.P.E.P. § 2143.03 (citing to *In re Fine*, 837 F.2d 1071 (Fed Cir. 1988)). Hence, because independent claim 1 is nonobvious, claim 5 is also nonobvious.

Additionally, Crebouw is deficient as noted above in Part III (A) of this paper. Malkamaki fails to cure these deficiencies. Accordingly, it is asserted that claim 5 recites (at least by virtue of its dependency upon claim 1) features that are altogether absent in the prior art relied upon in the grounds of rejection. Additionally, it is asserted that (analogously to to Part III (A) of this paper), that the combination of the Applicant-admitted prior art with Crebouw is improper because there is no motivation or suggestion to combine. *See* M.P.E.P. § 2143.01. In

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/516,171

Attorney Docket No.: Q58064

In light of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

D. Claims 6 and 9

Claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant-admitted prior art in view of Crebouw, and further in view of U.S.P. No. 5,479,444 ("Malkamaki et al."). For the following reasons, this rejection is respectfully traversed.

Claims 6 and 9 are at least patentable because "[i]f an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." *See* M.P.E.P. § 2143.03 (*citing to In re Fine*, 837 F.2d 1071 (Fed Cir. 1988)). Hence, because independent claim 1 is nonobvious, claims 6 and 9 are also nonobvious.

Additionally, Crebouw is deficient as noted above in Part III (A) of this paper. Ranta fails to cure these deficiencies. Accordingly, it is asserted that claims 6 and 9 recite (at least by virtue of their dependency upon claim 1) features that are altogether absent in the prior art relied upon in the grounds of rejection. Additionally, it is asserted that (analogously to Part III (A) of this paper), that the combination of the Applicant-admitted prior art with Crebouw is improper because there is no motivation or suggestion to combine. *See* M.P.E.P. § 2143.01. In light of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/516,171

Attorney Docket No.: Q58064

E. New Claims 12 - 22


It is further asserted that claims 12 - 22 are patentable at least for reasons analogous to those reasons finding claims 1 -11 patentable.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jason C. Beckstead
Registration No. 48,232

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 30, 2003